

Chapter 225 : Temporary Storage Units/ Storage Trailers

225-1. Purpose and Intent.

This chapter is adopted to improve and promote the health, safety and general welfare of the community, including the protection and preservation of property and its inhabitants by regulating the placement of Temporary Storage Units and /or Storage Trailers on both on private and public land within the Town of Hamburg.

225-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

TEMPORARY STORAGE UNIT - shall mean a transportable unit designed and utilized primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, personal items and other such materials, for use on a limited basis on residential and commercial properties. Such unit shall not be considered an accessory structure as provided in the Town of Hamburg Code.

STORAGE TRAILER - Any enclosed vehicle, semi-trailer, rail car, large van or bus (or portion thereof) which was originally intended for the hauling of freight, people, goods or equipment over the road or by rail.

225-3. Provisions. Temporary Storage Units.

Temporary Storage Units which are placed on residential and commercial properties within the Town shall comply with the following standards:

- A. Only one temporary storage unit may be placed on any residential and commercial property at one time.
- B. Contents and purpose of the temporary storage unit must relate to the applicant's residence or commercial activity.
- C. Temporary Storage Units are prohibited from being placed in streets or on roadways.
- D. Temporary Storage Units must be kept in the driveway of the property at the furthest accessible point from the street (farthest point from the front yard area).
- E. All locations must be asphalt, concrete or other impervious surfaces.
- F. The Temporary Storage Unit shall be located at said residential or commercial property address for an initial time period of thirty (30) consecutive days, including the days of delivery and removal. An extension of time may be granted to the property owner through the issuance of a permit by the Code Enforcement Department, subject to conditions, for a reasonable additional time period in an amount not to exceed ninety (90) days.

- G Emergency extensions may be granted by the Code Enforcement Department based upon written documentation, e.g. flooding, fire, wind damage, etc.
- H. No Temporary Storage Unit shall be used to store any of the following: solid waste, construction and demolition debris, recyclable materials, business inventory, commercial goods, goods for retail sales, and other illegal, explosive or hazardous material. Upon reasonable notice to the property owner, the Town of Hamburg may inspect the content of any Temporary Storage Unit at any reasonable time to ensure that it is not being used to store aforementioned materials.
- I. No Temporary Storage Unit shall display any message other than the name of the Temporary Storage Unit vendor.

Size Restrictions

To ensure the public health, safety and welfare of the community a Temporary Storage Unit cannot exceed the following size requirements:

- 1) 20 feet in length
- 2) 2,600 cubic feet in size
- 3) 13 feet in height measured from the ground to the top of the structure;
- 4) Eight feet in width.

225-6. Permit Requirement. Temporary Storage Units.

Where a temporary storage unit has remained on the premises for period of time exceeding thirty (30) days it shall be necessary for the property owner to remove the Temporary Storage Unit or obtain a temporary permit. All permits shall be obtained from the Town of Hamburg Code Enforcement Department Said permits shall expire ninety (90) days from the date of issuance and may contain conditions as determined by the Code Enforcement Department. The cost of such permits shall be determined by the Hamburg Town Board from time to time by Board resolution.

225-7. Provisions. Storage Trailers.

It is prohibited to place and/or utilize a storage trailer for the purpose of long term storage, (a period time exceeding ninety consecutive calendar days) on any property, both public and private within the Town of Hamburg.

225-8. Exceptions. Storage Trailers.

The use of storage trailers for the purpose of storing materials, goods, parts, and equipment on only those properties is permitted where it has been verified by the Code Enforcement Department that construction and /or development is taking place only after a temporary permit has been granted.

225-9. Permit Requirement. Storage Trailers.

A temporary permit shall be required prior to the placement of any storage trailer on public or privately owned property which is undergoing development or where construction is taking place.

All permits shall be obtained from the Town of Hamburg Code Enforcement Department All permits shall expire six months from the date of issuance. Permits can be renewed for extended six month intervals at the same cost of the original established fee, if necessary, until construction is completed or the project has been terminated or abandoned. The cost of such permits shall be determined by the Hamburg Town Board from time to time by Board resolution.

225-10. Reporting of contents. Storage Trailers.

- A. The contents of all storage trailers shall be reported, using the guidelines of Section 209-u of New York State General Municipal Law. Two copies of the Hazardous Materials Report form shall be filed prior to issuance of a permit. One copy is to be sent to the local fire dispatcher. The second copy must be incorporated into the permit file.
- B. All warning placards which would have been required for the contents under the Federal Department of transportation guidelines, as covered in the Code of Federal Regulations, Title 49, Parts 100-199 (49CFR 100-199), Shall be posted and remain in place during the entire time of storage.

225-11. Enforcement/Penalties.

- A. Should the Code Enforcement Officer find that an alleged Temporary Storage Unit is located on a property without the necessary permit, the enforcement officer is hereby authorized pursuant to Criminal Procedure Law Section 150.20(3) to issue an appearance ticket to any person whom the Code Enforcement Officer has reason to believe has violated this law, and shall cause such person to appear before the Town Justice.
- B. Any person who shall violate any of the provisions of this law shall be guilty of a violation and subject to the following: (1) a fine not to exceed \$100.00 for the first offense and; (2) a penalty of \$200.00 for each week subsequent to the first such violation and ; (3) when the violation fee reaches \$400, the offense is to be recovered by the municipality in a civil action
- C. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or restrain by injunction, the violation of any provision of this law.

225-12. Severability.

If any clause, sentence, paragraph, section or article of this law shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgement shall have been rendered.

225-13. Effective Date.

This local law shall become effective upon the date it is filed in the Office of the New York State Secretary of State.